

CAPITAL CITY NEWS

General and Personal

E. H. Galles, of Youngstown, manager of the Staplin Mercantile Company of that place, was in the city during the past week on business matters.

Thomas P. Gable, of Dawson, was a visitor in the city during the past week, on business bent, but receiving the friendly greeting of the Santa Feans, all of whom know "Tom".

John H. Young and wife, of Cuba, were in the city the fore part of the week on business affairs. Mr. Young is the manager of the Staplin Mercantile Company at that point.

Col. George W. Pritchard has returned from California where he went on business and pleasure, reporting a very pleasant trip. California is lively and the weather has been fine, though cool.

Hon. W. H. Christman, of Arto, was a guest in the city the first of the week on his return from the Sunday School convention at Mount Pleasant, where he spent a very pleasant session. Mr. Christman left for home on Monday.

The many friends of Mrs. J. M. Diaz will greatly regret to learn that she is quite ill at her home on Don Gaspar avenue. Mrs. Diaz recently returned from an absence of some weeks in Texas, where she went for rest in a lower altitude.

Senator B. E. Pantley was in the city on Thursday with his son, Dana, and Henry Workman, his son-in-law. There is a fish story in connection with the senator's visit which Tom Stewart will explain if there is anyone who wants to know. There are quite a few anglers and fish lovers who can tell about that best that Tom was supposed to have handy.

Dr. Edgar L. Hewitt was one of the most popular of the speakers at the Mountain chautauque, giving his lecture on antique things. He is in New Mexico. The doctor always interests when he takes up this subject on the public platform no matter in what part of the country he speaks. He is in town the present week with a party of sightseers.

Col. J. D. Sosa was a delegate to the Elks convention at Baltimore at its recent session and returned home on Monday. He reports a very delightful trip and says the east is full of enthusiasm for Hughes and Fairbanks and that it is generally conceded that their election is assured. Maryland will go for the Republican ticket, according to Col. Sosa, and the whole trend of sentiment wherever he went was clearly for Wilson's defeat.

On the first of August, Julius Gerdes moves from the building which he has occupied for so many years and will take possession of the store where the Santa Fe Hardware and Supply company has operated for four years past. Many suggestions have been made as to what would be nice to do with the building on the corner of San Francisco and Don Gaspar, in the way of the beautification of Santa Fe, but the future of it is still undetermined.

City Treasurer Leo Hensch returned home on Tuesday from a trip of six weeks in California where he went for a rest and recuperation from the close attention which he has given to business for years past, without a vacation. He came back looking and feeling fine and has been receiving the congratulations of his friends and family in his home city. Mr. Hensch says the state of California is hot for Hughes and Fairbanks and there is not one bit of doubt that the ticket will win there by convincing majority. He says there is a decided change in sentiment and the Hensch family are in the majority.

Attorney Francis E. Wood has been in the city the present week on business affairs.

Attorney A. B. Renahan is in town during the present week on matters of legal business.

Mr. and Mrs. Arthur Jaffa arrived in Roswell the latter part of the past week and Mr. Jaffa has taken up the work of the city manager in his old home city, carrying with him the best wishes of the many friends made by him and his wife during their residence here.

The Gallup papers tell of the appearance in that city of Frank Mourer, who was for the past few years in the meat market business in this city. Frank will establish a market in the Carbon City.

Visiting their aunt, Sister Carlotta, during the present week have been the Misses Marion and Ann Freeman of Cincinnati.

Mrs. Louis R. Roy, manager at the Seligman Brothers store, is in the east to be gone for several weeks, making purchases for the fall stock.

One of the features of the last week was the giving of a concert to the inmates of the penitentiary by the Shildkret Orchestra, who gave the opening number of the chautauque course last Saturday. It was greatly enjoyed and appreciated.

The tourist business in this city has been very lively during the past few weeks and the Rocky Mountain Camp Company has been doing a thriving trade. One of the guides of the company will take a party of tourists out to the natural bridges in Utah during the coming month.

Guthrie Smith, of Alamogordo who did some very interesting stunts writing up the political situation in this state for the El Paso Herald, is in the city doing local stuff for the New Mexican during the vacation absence of Brian Boru Dunn in California. The newspaper boys all like Guthrie and he is one of the old hands at the reportorial game.

When the fire alarm sounded last Monday the truck came tearing down San Francisco street and turned the corner at Don Gaspar at high speed. The driver did not remember the order to take the swing to the west side of the street and came on close to the Gerdes building. Just around the corner stood the automobile of Dr. Rolls, close against the building. The truck hit it squarely and tore the hind wheels into kindling making a wreck of the car.

News was received here by telegram on Sunday, of the death at Socorro, of County Assessor A. B. Baca, one of the well known citizens of the state. Mrs. Lorenzo Gutierrez, of this city is a cousin of Mr. Baca and was the recipient of the news. He had been long ve y ill with stomach trouble, and went to the Mayo Brothers hospital at Rochester, Minnesota, but no help could be given him and he was sent home until the end came. Mr. Baca's death will be felt by the many friends in his own county particularly, but by those of the whole state as well.

Ex-Governor L. Bradford Prince who last week returned from an absence of some weeks in the east, has received an invitation from the Republican National Committee to be present at the notification to Charles E. Hughes, of his nomination for the presidency, next Monday, and to the reception following. The governor was compelled to decline as he returned from the east so short a time ago. In speaking of the political conditions in the east, Governor Prince says that the sentiment for Hughes is remarkable and there is not thought to be a doubt of his triumphal election. The enthusiasm is intense and the betting all one way.

WANTED—A place on ranch as house keeper can give best of references, write Mrs. M. E. Gay Grosbyton Tex. P. O. box 63

FOR SALE—Hereford bull calves. Prices right. Charley Sumner stock. Do not write, come and see—S. C. Rea, Riddle, N. M.

FOR SALE—Choice improved lots, also two family cottages. Apply at State Record office.

WANTED—To hear from owner of good farm for sale. Send cash price and description—D. F. Bush, Minneapolis, Minn. 4-21.

If you want any Express delivered to any part of the city apply to Luis Escudero.

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SOUTH CAROLINA ROAD COST

State is Far Behind Most Others in Amount Spent for Improvement of Its Highways.

There are now only four states in the Union that have not enacted laws providing for state aid for good roads work. One of these states is South Carolina, the others being Indiana, Mississippi, and Texas. These three other states, however, are above South Carolina in expenditures for road work. Indeed, according to information which has been received at Clemson college from the United States department of agriculture, this state cannot boast of its record in road work and is considerably behind most of the other states of the Union in this respect.

In 1914, South Carolina spent \$1,000,000 on road work, this money coming from local funds of counties, townships, and districts. There were no expenditures by the state and local units jointly, or by the state alone. In the same period, Indiana spent \$13,258,761 and Iowa spent \$11,363,000. Nor does South Carolina compare well with even the other southern states. As against this state's \$1,000,000, North Carolina spent \$3,930,000; Georgia, \$2,500,000; Alabama, \$2,795,000; Mississippi, \$2,855,000; Tennessee, \$2,500,000; Texas, \$3,750,000. In fact, the only states on the list which are not above South Carolina in road expenditures are the undeveloped states of Arizona, Nevada, New Mexico, Utah, and Wyoming; and the diminutive commonwealths of Delaware, Rhode Island, and Vermont.

The total of all surfaced roads in South Carolina is 4,888 miles. In this respect, the state compares favorably with many, since its percentage of surfaced roads is 17.3, making it the



Good Roads in Mississippi.

thirteenth state in the Union in percentage of surfaced roads. Three states, Ohio, Indiana and New York, contain nearly one-third of all the surfaced roads in the United States, with a mileage of 77,544.

New York has spent \$82,638,729 on its roads and is spending \$15,000,000 more on them in 1915. This, it should be understood, is the amount spent by the state government and does not include the huge expenditures by local units.—Clemson College Bulletin.

GOOD ROADS QUITE POPULAR

Spirit of Building is Becoming Universal—All People Would Receive Some Benefit.

The United States Good Roads association at its recent annual meeting in Birmingham elected 25 prominent citizens of different sections of our country life members of the organization. The spirit of building good roads is becoming universal and it is only a question of a very short time when the federal government will see the necessity of appropriating money to build good roads. All people would be benefited by good roads. War benefits no country or people. It destroys lives, business, homes and brutalizes people.—Florence (Ala.) Herald.

Roads Built by Convicts.

One thousand miles of perfect road way have been constructed by Colorado convicts in the past seven years. At first armed guards were used, but during the second summer the honor system was introduced and it is still in vogue.

Uniform Material.

It is important to have uniform material in road building, whatever that material may be. This lack is responsible for waviness and chuck holes.

Good Roads in Philippines.

The Philippines in the first half of 1915 built 135 miles of good roads.

Build Better Roads.

Every rain is an argument for the 365-day road.

Neighbors and Builders.

Good roads are neighbor makers and trade builders.

Food for the Stock.

Good stock must have good food and plenty of it.

Sir Roger Casement's Appeal Denied.

London.—The appeal of Sir Roger Casement against his sentence of execution for high treason for his activities in the Dublin revolt was dismissed by the Court of Criminal Appeal. Without hearing the attorneys for the crown, the court dismissed the appeal from the verdict of the lower court which found him guilty and for which Viscount Reading, the lord chief justice, sentenced him to death. Powerful influences are working for a reprieve.

OFFICIAL STATE NEWS

Supreme Court Opinions.

The state supreme court last week handed down three opinions. One was in Case No. 1892, Barbara Chavez de Sanchez, appellant, vs. Manuel A. Sanchez, appellee, on appeal from the district court of Bernalillo county, Rodey & Rodey were attorneys for the appellant and no appearance was made by the appellee. Cause reversed with directions to the trial court to overrule the demurrer to the complaint. Opinion by Chief Justice Roberts, Mr. Justice Hanna and Mr. Justice Parker, concurring.

This was a case involving real estate. Mrs. Barbara Chavez de Sanchez, an old lady of more than 80 years of age, in 1910 having no other relatives than appellee, her son, conveyed to him the real estate involved in this suit—a house and lot in Albuquerque. In the deed she reserved a life estate in the premises. The consideration for the conveyance was an agreement on the part of the son and his wife to remain in Albuquerque and take care of appellant. But the evidence showed that the son went to St. Louis and declined to take his mother with him. The appellant in 1915 filed complaint in the district court of Bernalillo county for cancellation of the deed and to quiet title to such real estate. The appellee demurred to the complaint and the trial court sustained the demurrer.

The syllabus says: "A complaint for cancellation of a deed, conveying real estate from a mother to a son, which alleges that such conveyance was made in consideration of an agreement on the part of the son to live with and care for the mother, and that said son has wholly failed and refused to comply with his part of the agreement, and has abandoned the mother and removed to a distant city, states a good cause of action and is sufficient to withstand the demurrer."

Action to Quiet Title.

In Case No. 1789, J. D. Glasgow, plaintiff in error, vs. J. C. Peyton et al., defendant in error, on appeal from Otero county Edwin Mechen, attorney for plaintiff in error; and W. H. Winter and Holt and Sutherland, for defendant in error, the judgment of the lower court affirmed. Opinion by Chief Justice Roberts, Justices Parker and Hanna concurring.

This was an action to quiet a title to real estate situated in Otero county and to enjoin defendants in error from removing certain fixtures and personal property from said real estate. A demurrer was filed by defendants in error to the second amended complaint which was sustained by the court and plaintiff in error elected to stand upon his complaint. Thereupon the court entered a judgment dismissing the complaint and dissolving the temporary injunction theretofore issued. From this judgment this writ of error was prosecuted.

The Syllabus says:

1. Sec. 4157, C. L. 1897 (see 5509 Code 1915) was not repealed by Ch. 84, S. L. 1913. Case of Crane vs. Cox, 18, N. M. 377 distinguished.

2. In an affidavit for attachment, under sec. 4311, code 1915,

it is not necessary, where defendant is a nonresident, to state in such affidavit the residence of the defendant, if known, or the fact that his place of residence is unknown, where such is the fact, nor is necessary for the copy of the complaint and summons to be mailed to such defendant, as required in ordinary civil action by sec. 4096, Code 1915.

3. Where the state proceeds in attachment, and sells property of the attachment defendant to satisfy a claim for taxes, and such defendant later brings suit to quiet his title to such property so sold, against the purchaser thereof, under such sale, and alleges facts attacking the right of the state to proceed in a given statutory manner (sec. 5509, Code 1915) and the complaint shows on its face that the state did not thus proceed, such complaint is demurrable because judgement in attachment is void.

Larceny of a Cow.

In Case No. 1875 State of New Mexico, appellee, vs. Sam Rucker, appellant, on appeal from Rio Arriba county, H. S. Bowman, assistant attorney general, for appellee, and J. H. Crist, for appellant, the judgement of the lower court affirmed. The opinion is by Chief Justice Roberts, Justice Hanna and Parker concurring.

The appellant was tried in the district court of Rio Arriba county at the June term of last year upon indictment charging him with the larceny of one head of cattle, the property of Cipriana Pena. The indictment alleged that the cow in question was branded "C. I. P." on the left side. Appellant was found guilty by the jury and sentenced to serve a term in the state penitentiary and to pay a fine to the state. From this judgement appeal was taken, the appellant arguing that the evidence was insufficient to sustain the verdict of the jury.

The Syllabus.

The syllabus says: 1. Sec. 31, Code 1915, makes it the duty of a drover, when the stock of any resident shall intermix with any drove of animals, immediately to cut out and separate such stock from the drove.

2. The credibility of witness is in all cases a question for the jury, and the rule applies, although the testimony of the party or of interested witness is uncontradicted.

3. The question of variance between the brand alleged in the indictment to have been upon the alleged stolen animal and the certificate of brand, introduced in evidence upon the trial will not be considered in the appellate court where such question was not raised in the trial court, State vs. Klasner, 19 N. M. 474 followed.

4. No alleged errors, unless they are jurisdictional, will be considered, except those set out in the motion for a new trial.

Sec. 3143, Code 1915, which provides: "When an indictment is found, the names of the witnesses examined before the grand jury must in all cases be inserted at the foot of the indictment or indorsed thereon before it is presented to the court," is directory, and it is not error for the trial court to permit a witness who testified before the grand

jury and whose name was not properly endorsed upon the indictment to testify, where the defendant did not claim or attempt to show surprise or prejudice by reason of the omission of the name of such witness from the indictment.

6. Where the jury has an equal opportunity of determining whether a character appearing upon a certificate of brand corresponds with a similar character shown in the indictment, as has a tendered witness, there is no error upon the part of the court in refusing to permit such witness to testify as to whether such characters are the same or dissimilar.

Soldiers Cannot Vote

In a letter written by Assistant Attorney General Harry Clancy to Judge Terrel, of Silver City, it is determined that the soldiers now serving on the border will be obliged to lose their votes, if they are still detained in the service at election time.

The Silver City Enterprise gives the following on this matter: Judge Terrel called Mr. Clancy's attention to section 4 of article 7 of the state constitution which declares that no person shall be deemed to have acquired or lost residence by reason of his presence or absence while employed in the service of the United States. This provision, Mr. Clancy rightly states, is controlling and those members of the National Guard not bona fide residents of the county in which they are stationed would not be qualified voters.

This disfranchises between 700 and 800 state militiamen stationed at Columbus, the large majority of whom are Republicans, coming from the Republican strongholds of Albuquerque, Santa Fe, Las Vegas and Las Cruces. As regards the Silver City company the political strength of the two parties is divided about equally and the same is probably true of Deming.

Oil Contracts Made

Robert L. Lunsford, vice president of the New Mexico Petroleum and Gas Development company arrived this week from Chicago with contracts for the leasing by his company of 560,000 acres of state lands upon which the company proposes to conduct extensive exploration operations for oil and gas. Mr. Lunsford, whose home is in Cleveland, has

been in Chicago in conference with the A. M. Byllesby interests which are principally concerned financially in the New Mexico Petroleum & Gas Development Co.

Under the terms of the contract the company is required to give a bond of \$50,000 to guarantee to the state that it will carry out the contract provisions, and this bond was executed here. The contract specifies that the state shall receive a royalty of 10 per cent on all oil marketed. The life of the contract is five years, with the right of renewal for five years additional.



LOCAL TIME TABLE.

Santa Fe, N. M.

Westbound

No. 7 Leaves.....7:00 a. m.
No. 3 Leaves.....7:00 a. m.
No. 1 Leaves.....7:40 p. m.
No. 9 Leaves.....8:10 p. m.

Eastbound

No. 10 Leaves.....9:25 a. m.
No. 2 Leaves.....3:40 p. m.
No. 4 Leaves.....8:10 p. m.
No. 8 Leaves.....8:10 p. m.

Arriving in Santa Fe
No. 7 Arrives.....9:00 a. m.
No. 10-3 Arrives.....11:50 a. m.
No. 1-2 Arrives.....5:45 p. m.
No. 4-9 Arrives.....11:20 p. m.
No. 7-Carries coach only for Albuquerque, and west.

No. 3-California Limited, carries local passengers for Albuquerque, Williams, Grand Canyon, Los Angeles, San Diego and San Francisco.

No. 1-Standard and Tourist Sleepers for Los Angeles. El Paso sleeper on this train. The only connection for Belen Cut-Off, Pecos Valley and West Texas. Regular assignment of space from Santa Fe.

No. 9-Standard and Tourist Sleepers for Los Angeles and San Francisco. No connection south of Albuquerque.

No. 10-Standard and Tourist Sleepers Kansas City and Chicago, also through sleeper Trinidad to Denver.

No. 8-Standard Sleeper for Chicago, also tourist and free chair car. Regular assignment of space from Santa Fe.

No. 4-California Limited, passengers for Kansas City and Chicago only, except on Wednesday, Friday and Sunday, passengers will be carried for Denver, Colorado Springs and Pueblo.

No. 8-Standard Sleeper and chair car for Kansas City and Chicago. Regular assignment of space from Santa Fe.

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